

An  
Bord  
Pleanála

## Board Order

**ABP-313827-22**

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### Planning and Development Acts 2000 to 2022

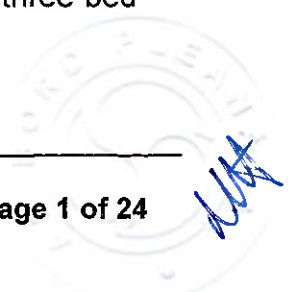
#### Planning Authority: Cork County Council

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 17<sup>th</sup> day of June 2022 by BAM Property Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, Cork.

#### **Proposed Development comprises of the following:**

716 number units comprising 224 number houses, 284 number duplex units and 208 number apartments provided in seven number apartment building blocks. A two number storey creche building is also provided. The two number storey houses comprise of 48 number detached, 126 number semi-detached and 50 number terraced houses consisting of 60 number two-bed units, 139 number three-bed units and 25 number four-bed units. The Part 1 to Part 3 storey duplex units are contained in 122 number building blocks providing 82 number one-bed units, 142 number two-bed units and 60 number three-bed units. The seven number apartments building blocks range in height from Part 1 to Part 5 number storeys.

- Block 1 is four number storeys and contains 34 number units (seven number one-bed units, 19 number two-bed units and eight number three-bed units).
- Block 2 is Part 1 to Part 5 number storeys and contains 42 number units (15 number one-bed units, 20 number two-bed units and seven number three-bed units).



- Block 3 is five number storeys and contains 17 number units (eight number one-bed units and nine number two-bed units).
- Block 4 is four number storeys and contains 13 number units (six number one-bed units and seven number two-bed units).
- Block 5 is four number storeys and contains 13 number units (six number one-bed units and seven number two-bed units).
- Block 6 is four number storeys and contains 13 number units (six number one-bed units and seven number two- bed units).
- Block 7 is five number storeys over basement and contains 76 number units (23 number one-bed units, 41 number two-bed units and 12 number three-bed units).

All blocks contain ancillary internal and external resident amenity spaces, and the proposed development also provides for: hard and soft landscaping including multi use games areas and associated fencing; boundary treatments; public realm works; car parking; bicycle stores and shelters; bin stores; lighting; photovoltaic panels; plant rooms; and all ancillary site development works above and below ground.

Access to the proposed development will via an extension to Castl lake Avenue with new entrances proposed from the existing Castl lake Avenue, Oakbrook, and Pine Court. Two number new entrances are proposed from the Castle Lake to Station Road Link Road currently under construction and permitted by Cork County Council Planning Register Reference 19/5707. A new entrance is proposed from the North South Link Road, (linking Station Road to the Castle Lake to Station Road Link Road) and permitted by Cork County Council Planning Register Reference 19/5707. The proposed development also makes provision for the construction of a portion of the Carrigtwohill to Midleton Inter Urban Cycleway Phase 1 and a portion of the Northern Spine Link Road all located at Castl lake, Terry's-land and Carrigtwohill (townlands), Carrigtwohill, County Cork.



## **Decision**

**Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) The location of the site on lands with zoning objectives that allow for residential development;
- (b) the policies and objectives as set out in the Cork County Development Plan 2022-2028;
- (c) the nature, scale and design of the proposed development;
- (d) the pattern of existing development in the area;
- (e) the provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (f) the provisions of Project Ireland 2040 National Planning Framework;
- (g) the provision of the Regional Spatial and Economic Strategy for the Southern Region;
- (h) the provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (i) the provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended;
- (j) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2022;

- (k) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018;
- (l) the provisions of the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009;
- (m) the submissions and observations received;
- (n) the Chief Executive's Report received from Cork County Council; and
- (o) the report of the Planning Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening and Natura Impact Statement submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, other than Cork Harbour Special Protection Area (Site Code: 004030) and Great Island Channel Special Area of Conservation (Site Code: 001058) were the only European Sites in respect of which the proposed development has the potential to have significant effects.

## **Appropriate Assessment**

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment.

The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely Cork Harbour Special Protection Area (Site Code: 004030) and Great Island Channel Special Area of Conservation (Site Code: 001058), in view of the sites' conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Sites.

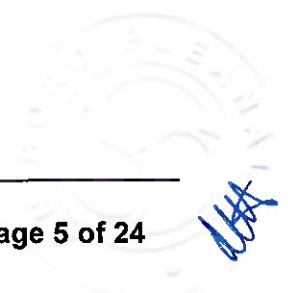
In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

## **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development,



- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions from the planning authority, the observers and prescribed bodies in the course of the application,
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

### **Reasoned Conclusions on the Significant Effects**

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction and Environmental Management Plan is the overarching general mitigation relevant to the project design and delivery for the construction stage.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- **Population and Human Health** – There will be residual significant positive impacts on population and human health due to the increase in housing stock within the local area.
- **Biodiversity** – There will be a residual short-term, significant, negative impact on particular habitats until the proposed planting and landscaping becomes established, subsequent to which there will not be any long term significant impacts on habitats. Other potential significant impacts have been avoided through mitigation measures including measures to protect water quality at construction stage.
- **Land, Soil and Water** - Potential significant impacts at construction stage have been avoided through mitigation measures as set out in the Environmental Impact Assessment Report and the Construction Management Plan including measures to protect water quality at construction stage and measures into the handling, storage and disposal of water.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects of the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

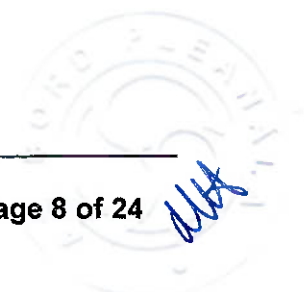
### **Conclusions on Proper Planning and Sustainable Development**

The Board considered that the proposed development is acceptable in principle at this site with regard to the relevant zoning objectives of the Cork County Development Plan 2022-2028. The proposed development would result in a significant contribution to the housing stock, in a time of housing need. The provision of a development of the nature and scale of proposed development at this location is desirable having regard to its location in close proximity to a rail station and within the town of Carrigtwohill, which is designated as a Metropolitan Town in the Southern Regional Spatial and Economic Strategy for the Southern Region and the Cork Metropolitan Area Strategic Plan. The scale of development is appropriate



also having regard to the site's proximity to high frequency, high capacity train services, and having regard to the existing and proposed pedestrian and bicycle infrastructure facilities. In addition, the site is located within an area with a wide range of employment opportunities and social infrastructure facilities. The Board was satisfied that the height, bulk and massing, detailed design and layout of the scheme is acceptable.

The proposed development also complies with the performance criteria as set out in Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018. The Board was also satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area, subject to conditions. The future occupiers of the scheme will also benefit from a high standard of internal amenity. The overall provision of car parking and bicycle parking is considered acceptable, and the Board is satisfied that there will be no significant adverse effects on the surrounding road network, subject to conditions. The Board also concluded that the proposed development was acceptable in all other respects.





## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

**Reason:** In the interests of proper planning and sustainable development.

3. The development shall be revised as follows:
  - (a) Revised plans for Block C, removing two internal duplex units with units C08 and C09 retained at the end providing passive overlooking of the open space at the end of the block at ground floor level, to be proposed and agreed in writing with the planning authority.
  - (b) Station Road North neighbourhood to be omitted from the development, pending resolution of the current enforcement action regarding changes to the morphology of the Woodstock stream.

**Reason:** In the interests of the residential amenity and biodiversity

4. All of the mitigation measures detailed in the submitted documentation, including the Environmental Impact Assessment Report and associated Appendices, the Natura Impact Statement and associated Appendices, shall be implemented in full within the timescales listed in the documents.

**Reason:** In the interest of protecting the environment and in the interest of public health.

5. Details of a revised palette of materials, colours and textures of all the external finishes to the proposed buildings, within each of the Character Areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

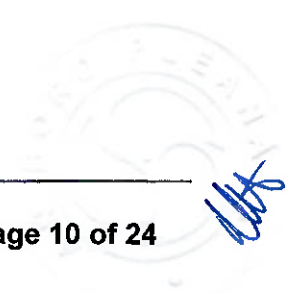
**Reason:** In order to demonstrate stronger differentiation between each of the proposed Character Areas and in the interest of visual amenity.

6. Provision of the creche to be detailed in a phasing scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of any development.

**Reason:** To ensure the timely provision of services for the benefit of occupants of the proposed dwellings.

7. Details of the proposed boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interests of visual and residential amenity.



8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays, 0800 to 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

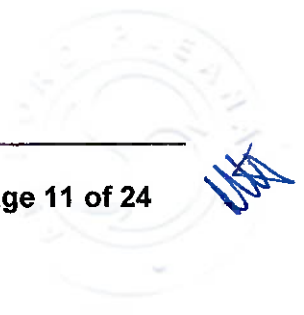
**Reason:** In order to safeguard the residential amenities of property in the vicinity.

9. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried out on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

10. Proposals for the development name and dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements or marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interests of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.



11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

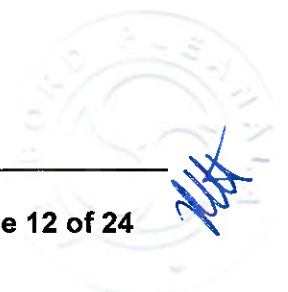
**Reason:** In the interests of amenity and public safety.

12. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

13. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

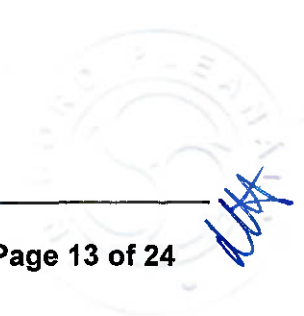
**Reason:** In order to ensure the satisfactory development of the public and communal open space areas, and their continued use for this purpose.



14. The requirements in relation to the Carrigtwohill Urban Regeneration and Development Fund (URDF) Initiative shall be complied with as follows:
- (a) The proposed development shall not be occupied prior to the completion of the proposed pedestrian and bicycle upgrades on the Station Road linking the eastern access points of the development site to Carrigtwohill Rail Station. Any interim measures proposed in advance of the completion of the final approved design shall be submitted to, and agreed in writing with, the planning authority.
  - (b) The applicant shall ensure compatibility between the proposed Strategic Housing Development and the Carrigtwohill Urban Regeneration and Development Fund Initiative. The applicant shall facilitate and deliver Urban Regeneration and Development Fund infrastructure located within the red line boundary at a time to be agreed and to the satisfaction of the planning authority.
  - (c) The developer shall facilitate the approved Carrigtwohill Urban Regeneration and Development Fund Part 8 planning proposals for the upgrade of Station Road, include inter alia details of:
    - (i) appropriate setbacks,
    - (ii) the realignment of the Woodstock Stream, and
    - (iii) roadside boundary treatments.

Before development commences on foot of this permission, details of the above matters shall be agreed in writing with the planning authority and the development shall be carried out and completed in accordance with the details agreed. In default of agreement, the matter may be referred to An Bord Pleanála for determination and the development shall be carried out and completed in accordance with that determination.

**Reason:** In the interests of road safety and in the interests of proper planning and sustainable development.



15. The requirements in relation to the Northern Services Corridor Link Road/Rail Underpass shall be complied with as follows:

Prior to commencement of development:

- (a) The applicant shall engage with the planning authority and ensure that the road design proposals for the Northern Services Corridor Link Road (CT-U-12, denoted MR01) are compatible with the Urban Regeneration and Development Fund design proposals for this infrastructure and the design shall be finalised and agreed in writing with the planning authority.
- (b) The applicant shall establish the 'as-builts' for the underpass and ensure that the underpass is available and open for use at a time to be agreed and to the satisfaction of the planning authority.
- (c) The applicant shall deliver and fully connect the new northern services corridor link road from the existing underpass structure to the proposed signalised junction new schools' campus road network (previously permitted under Planning Register Reference Number 19/5707) including public lighting and drainage arrangements for the underpass, and any Carrigtwohill Urban Regeneration and Development Fund – UEA infrastructure utility services) to the satisfaction of the planning authority. The detailed specification of this shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interests of proper planning and development.

16. The requirements in relation to Transport shall be complied with as follows:

- (a) The applicant shall ensure compatibility between the proposed development and the approved Part 8 Project - Carrigtwohill – Midleton Inter-Urban Cycleway Phase 1. In this regard, the proposed access route to the basement car parking serving Apartment Block 7 shall be revised so as to avoid conflict with the permitted Part 8 Carrigtohill to Midleton Pedestrian and Cycle Route. Details of these revised details shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

- (b) The maximum number of car parking spaces provided to serve the proposed development shall be 1,102 number spaces.
- (c) The width of the shared pedestrian and bicycle route (Inter-urban cycleway) adjacent to Apartment A7 is not clear from the Strategic Housing Development application drawings. The permitted Pedestrian and Cycle Route is 4.0 metres in width. This element shall be constructed by the developer in advance of commencing building construction, or to a programme agreeable with the planning authority.
- (d) Prior to the commencement of development, a Stage 1/2 Road Safety Audit shall be submitted to, and agreed in writing with, the planning authority, and shall include a comprehensive set of detailed drawings and predicted traffic data, in advance of completing the design.
- (e) Prior to the commencement of development, a revised Quality Audit shall be submitted to, and agreed in writing with, the planning authority, and shall include a comprehensive set of detailed drawings including tactile paving and kerb details, and recommendations shall be implemented by the developer as appropriate.
- (f) All proposed accesses (Station Road North and South sites) across the recently constructed schools' link roads shall provide priority for pedestrian and cyclists. The pedestrian and bicycle route shall be raised across the access.
- (g) Prior to commencement of development, and on appointment of the demolition contractor, a Demolition Management Plan shall be submitted to the planning authority for written agreement. This plan shall have regard to Mitigation Measures outlined in the Environmental Impact Assessment Report, the Outline Construction Environmental Management Plan and the Outline Construction Traffic Management Plan and shall provide details of intended demolition practice for the development including traffic management, hours of working, noise, dust and drainage management measures and off-site disposal of construction and demolition waste.





- (h) Prior to commencement of development and on appointment of a contractor, a Construction Environmental Management Plan having regard to Mitigation Measures outlined in the Environmental Impact Assessment Report and associated appendices and the Construction and Environmental Management Plan and associated appendices shall be submitted to the planning authority for written agreement. This plan shall include intended construction practice for the development including phasing and programme, hours of working, construction compound and materials storage, dust, noise and drainage management measures, waste management and off- site disposal, and all construction mitigation measures, and incorporate a construction traffic management plan. A record of daily checks that the construction works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept at the construction site office for inspection by the planning authority. The agreed the Construction and Environmental Management Plan shall be implemented in full in the carrying out of the development.
- (i) The development shall be carried out on a phased basis in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.
- (j) Prior to the commencement of development, a plan for visitor bicycle parking facilities adjacent to each apartment block, to be agreed in writing with the planning authority. Bicycle parking shall be secure, conveniently located, sheltered and well lit. Electric bike charging facilities shall be provided. Key/fob access should be required to bicycle compounds.
- (k) Prior to the commencement of development, all works proposed on the public road, and any areas to be taken in charge shall be agreed in writing with the Environment and Transportation Department. The applicant is advised that, in the event of a grant all works to the public road shall be at the applicant's own expense. All works shall be fully completed prior to occupation of the residential and commercial units.

- (l) Car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties.
- (m) All roads, footpaths, cycleways and shared surfaces should be constructed in line with Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended, requirements.

**Reason:** In the interests of orderly development, traffic safety and to provide a satisfactory standard of development.

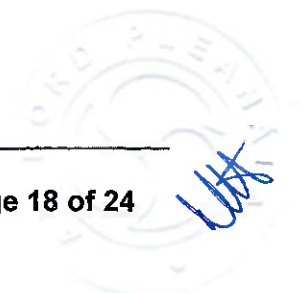
17. The applicant shall submit, as required by the planning authority, accurate as-built record drawings, in hard copy and electronically, to the scale of 1/500 showing:
- (a) Roads including levels;
  - (b) Footpaths including levels;
  - (c) Storm sewers including pipe sizes, pipe depths and location of manholes and services.
  - (d) Details of sustainable urban drainage systems, flood mitigation measures.
  - (e) Foul sewers including pipe sizes, pipe depths and location of manholes and services;
  - (f) Locations of road gullies;
  - (g) Water mains including location of valves, hydrants and other fittings;
  - (h) Public lighting including locations of columns, pillars and ducting; and
  - (i) Landscaping and boundary treatments.

**Reason:** To provide an accurate record of the development for future maintenance.

18. Prior to the commencement of development, a revised Flood Risk Assessment shall be submitted to, and agreed in writing with, the planning authority. This document shall clarify arrangements for the existing north-south ditch (Blandcrest Site/Castelake North Site) and should ensure consistency with the proposed site layout plan (Drawing Number: CHD-WIL-ZZ-ZZ-DR-A-0070 S01 P01), the Environmental Impact Assessment Report and the Engineering Services Infrastructure report, which indicate that this drainage ditch is to remain unculverted for the majority of its length. The revised Flood Risk Assessment shall consider any additional flood risk arising from same, and set out any relevant mitigation measures, as appropriate.

**Reason:** To minimise flood risk.

19. The following requirements in relation to the operation and safety of the rail line shall be complied with:
- (a) Prior to the commencement of the development the applicant shall liaise with Irish Rail to ensure that no works infringe on, impede or damage railway infrastructure, including embankments, bridges etc and that no works impede access to culverts/bridges under the railway.
  - (b) It should be ensured that the proposal demonstrates compatibility with the proposed Cork Area Commuter Rail, Glounthaune to Midleton Twin Track project.
  - (c) A 2.4 metre high concrete block wall (215 millimetre) is to be erected as the proposed boundary wall. This wall will run adjacent to the railway and will be to the rear of any private garden or park.
  - (d) No liquid or surface water shall discharge or be allowed to seep onto railway property or into railway drains and ditches;
  - (e) No development to take place within two metres of the railway boundary;



- (f) Lights from the proposed development, either during construction phase or when the development is completed, shall not cause glare or in anyway impair the vision of train drivers or personnel operating on track machines. A Glint and Glare Report to be prepared and agreed with Irish Rail.

**Reason:** To ensure the safety of the rail line.

20. Water supply and the arrangements for the disposal of foul water, shall comply with the requirements of the Uisce Éireann for such works and services.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

21. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Uisce Éireann.

**Reason:** In the interest of public health.

22. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and surface water management.

23. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

**Reason:** To comply with the Councils taking in charge standards.



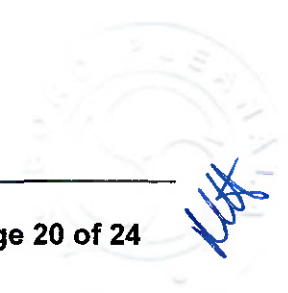
24. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

25. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

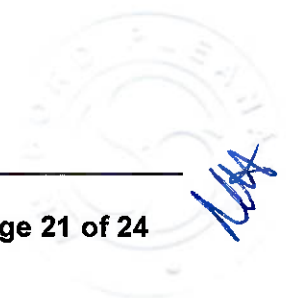


26. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

27. Prior to the commencement of any duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.



28. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

29. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.



30. The developer shall pay to the planning authority a financial contribution in respect of Cobh-Middleton railway line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

31. The developer shall pay to the planning authority a financial contribution as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of infrastructure to upgrade station road and other junctions in the vicinity which will benefit the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme, and which will benefit the proposed development.

32. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure, open space and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



**Martina Hennessy**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *26<sup>th</sup>* day of *November* 2023